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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,776	12/22/2000	Christian Merheim	63923	1432
7590	01/11/2006			
John R. Ley, Esq. JOHN R. LEY, LLC Suite 610 5299 DTC Boulevard Greenwood Village, CO 80111-3327			EXAMINER LE, VU	
			ART UNIT 2613	PAPER NUMBER

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/746,776

Applicant(s)

MERHEIM ET AL

Examiner

Vu Le

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10 November 2005 have been fully considered but they are not persuasive.

Applicant asserts that Seeley does not teach the monitoring modules as claimed, and fails to teach, inter alia, "extracting" in each of these monitoring modules, areas from the images that differ from a reference image, extracting an object from the area, classifying the object based on characteristics, such as a characteristic of the type: size, shape and/or movement history, associated with the object, if the object is classified as a human alarm object. Applicant asserts that the SCU in Seeley receives video from a plurality of cameras, and dictates all image processing. Hence, teaches away from the monitoring modules as claimed (Remarks, pp. 7-8). Examiner respectfully disagrees.

Applicant misses the point. Claims 1, 6 and 9 define a monitoring module as comprising light-sensitive sensor i.e. video camera. It is noted that Seeley further discloses having multiple SCU associated with the video cameras, not strictly just one SCU as applicant alludes to in the arguments (see col. 9, line 41-42). Hence, the combination of video cameras and SCU's reads on the monitoring module as claimed.

Applicant further asserts that the "thumbnail" in Seeley does not constitute representation of the images in a stylized way (Remarks, pp. 8-9). This argument is not persuasive. Presenting a thumbnail of an actual image is in essence presenting a preferred "style" of the actual image.

With respect to claim 2, Applicant remarks (see p. 9) are not understood. Claim 2 was individually analyzed and rejected in view of US 6,097,429 (see p. 3 of the Office Action), and not based on US 5,956,424. Patent '424 was not cited by the Examiner.

For the reasons as stated above, the rejection of claims 1-11 under 102(e) in view of Seeley, US 6,097,429 is maintained.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent; or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English.

3. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Seeley et al, US 6,097,429 for the same reasons as set forth in the last Office Action.

(The grounds are restated for applicant's convenience)

Re claims 1, 6 and 9, Seeley discloses the same monitoring system/method for monitoring monitored locations (Abstract, figs. 1-2, 7), comprising a plurality of monitoring modules (22), each of which has a light-sensitive sensor for recording images of the monitored locations (22 are cameras, which are light-sensitive sensor for recording images of monitored locations i.e. premises, see col. 8, line 31 – col. 9, line 5), and a remote monitoring station (fig. 1, "Central Station"), the monitoring modules

Art Unit: 2613

being arranged to carry out computer-based analysis of the images, which comprises extracting areas from the images that differ from a reference image, extracting an object from the area, classifying the object based on characteristics, such as a characteristic of the type: size, shape and/or movement history, associated with the object (figs. 1 & 7: 12, fig. 7 is an exploded view of 12 in fig. 1, see also col. 10, line 48 – col. 12, line 25), and if the object is classified as a human alarm object (col. 11, line 15-33), transmitting data representing the area in a stylized way (col. 13, line 14-43, i.e. the stylized way is “thumbnails” in photographic slides or mosaic pattern) to the monitoring station (“Central Station”) which is arranged to recreate and display said transmitted data to the operator for verification of the human alarm object (col. 13, line 31-43).

Re claim 2, a method according to claim 1, in which the method further comprises the step of creating the outline shape of the area in order to represent the object in a stylized way. (See col. 10, line 48-62, Note: US patent 5,956,424 discusses outline shape algorithm, which is incorporated herein).

Re claim 3, a method according to any one of claim 1 or 2, in which the stylized area is a stylized outline shape. (See claim 2).

Re claim 4, a method according to any one of the preceding claims, further comprising the step of comparing particular characteristics associated with the object with corresponding characteristics associated with an object extracted from a previously recorded image, in which case if the characteristics conform to the extent that they can be considered to belong to the same object, data is recorded about the movement

history of the object for classification and/or transmission to the monitoring station to be recreated and displayed to the operator. (See col. 11, line 6-63).

Re claim 5, a method according to any one of the preceding claims, further comprising the steps, if the object is classified as a human alarm object, of transmitting supplementary alarm information about the area such as information of the type: intensity regions and/or line content together with data representing the area in a stylized way and of recreating and displaying the transmitted supplementary alarm information. (See discussion in claims 1 and 2, also col. 11, line 6-63, col. 13, line 16-43).

Re claim 7, a monitoring system according to claim 6, further comprising a central panel which is arranged to receive said data representing the area in a stylized way from at least a subset of the monitoring modules, and to forward this data together with supplementary data, such as data of the type: date, time and information about from which monitoring module said data was received, to the monitoring station. (See discussion in claims 1-2, also col. 13, line 16-59).

Re claim 8, a monitoring system according to claim 6 or 7, in which the monitoring modules and the monitoring station are arranged to communicate by wireless means, such as by mobile telephony. (See col. 12, line 47-67).

Re claim 10, a monitoring module according to claim 9, in which the memory is arranged to store a particular type of movement information for learning purposes. (See fig. 7: "Video Processor" comprises this type of memory).

Re claim 11, a monitoring module according to claim 9 or 10, in which the monitoring module comprises a supplementary sensor. (See col. 8, line 31-40).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact

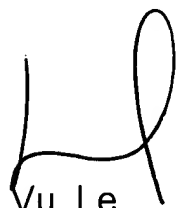
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vu Le whose telephone number is (571) 272-7332. The examiner can normally be reached on M-F 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. Customer Service

Art Unit: 2613

can be reached at (571) 272-2600. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Vu Le', with a stylized loop at the end.

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